

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 20, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:01 a.m. The meeting was recessed by Mayor O'Connor at 10:12 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:02 p.m. Mayor O'Connor adjourned the meeting at 4:43 p.m. and convened the Special Joint Council Meeting with the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (eb,rb)

FILE LOCATION: MINUTES

Feb-20-1990

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Feb-20-1990

ITEM-10: INVOCATION

Invocation was given by Pastor Farrell Barry,
Clairemont Church of God.

FILE LOCATION: MINUTES

Feb-20-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Henderson.

FILE LOCATION: MINUTES

Feb-20-1990

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 01/15/90 Adjourned
- 01/16/90
- 01/22/90
- 01/23/90
- 01/29/90
- 01/30/90

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A037-044.)

MOTION BY HENDERSON TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Feb-20-1990

ITEM-31: DID NOT ARRIVE

Welcoming a group of 70 students from San Ysidro Middle School, accompanied by their teachers, Jackie Walter and Nickie Mayhew. This group will arrive at approximately 10:30 a.m.
(District-8.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-045.)

Council Member Filner stated that he would meet with the group later.

Feb-20-1990

ITEM-32: GRANTED HEARING

Matter of the request of Frances Grosset et al, for a hearing of an appeal from the decision of the Planning Commission in granting Planned Infill Residential Development Permit and Tentative Map (Vista de Alcala) PIRD/TM-87-0269 for a proposed subdivision of a 2.26-acre parcel into six parcels and the construction of four single-family units. The subject property is located west of Wilshire Drive, north of 35th Street, east of Cromwell Place and south of Camino Del Rio South and is more particularly described as Lot 3 and a portion of Lot 4, Mission View Point Map-2269 in Zones R1-5000 and R1-40000 within the Mid-City Community Plan area.
(PIRD/TM-87-0269. District-3.)
A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM-PIRD-87-0269 SUBD-Vista de Alcala

COUNCIL ACTION: (Tape location: A045-070.)

MOTION BY HARTLEY TO GRANT THE REQUEST FOR A HEARING OF THE

APPEAL ON THE FINDING NO. 4 THAT THE DEVELOPMENT HAD CITY-WIDE SIGNIFICANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Feb-20-1990

ITEM-33: DENIED HEARING

Matter of the request of Robert J. Krause, S.P.E. Corporation by Richard A. Rubin, Sholders & Sanford, Inc. for a hearing of an appeal from the decision of the Planning Commission in denying Planned Infill Residential Development Permit, Resource Protection Overlay Zone Permit and Tentative Map PIRD/RPOZ/TM-87-1098 (River Trails) to develop approximately 10.5 acres of residential and open space uses within the Coastal Zone and 100-year floodplain of the Tia Juana River. The project proposes 45 detached single-family dwelling units on 6.65 acres of fill material and is located on the west side of Hollister Street between Sunset Avenue and Tocayo Avenue. The subject property is more particularly described as Lot 75 of Sunrise Addition Unit No. 3, Map-10832 in Zone R1-5000 within the Otay Mesa-Nestor Community Plan area. (PIRD/RPOZ/TM-87-1098. District-8.) A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM-PIRD/RPOZ-87-1098 SUBD-River Trails

COUNCIL ACTION: (Tape location: A070-079.)

MOTION BY FILNER TO DENY THE REQUEST FOR A HEARING ON THE APPEAL. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

* ITEM-50: (O-90-74) ADOPTED AS ORDINANCE O-17425 (New Series)

Amending Chapter VI, Article 4, Division 4 of the San Diego Municipal Code by amending Section 64.0404 and Section 64.0408 relating to Storm Drain Service Charges. (Introduced on 2/5/90. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A079-087.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

* ITEM-51: (O-90-120) ADOPTED AS ORDINANCE O-17426 (New Series)

Amending Chapter VIII, Article 6, of the San Diego Municipal Code, by amending Section 86.06, relating to Parking, Standing, Loading Zones, Street Sweeping Zones, by authorizing the City Manager to establish or remove green curb zones for time limit parking in accordance with Section 21458(d) of the California Vehicle Code.
(Introduced on 2/5/90. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A079-087.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

* ITEM-52: (O-90-97 Rev.1) ADOPTED AS ORDINANCE O-17427 (New Series)

Amending Chapter X, Article 3, Division 4 of the San Diego Municipal Code, by amending Section 103.0407, for design criteria and height regulations up to 75 feet within the Gaslamp Quarter, with the Planning Director granting height exceptions up to 125 feet on parcels of 30,000 square feet south of Island Street.

(District-8. First Introduced as amended on 11/21/89. Council voted 6-1. District 8 voted nay. Districts 1 and 6 not present. Reintroduced as amended on 2/6/90. Council voted 7-0. District 6 and Mayor not present.)

FILE LOCATION: LAND-Gaslamp Quarter

COUNCIL ACTION: (Tape location: A079-087.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-ineligible, McCarty-yea, Filner-yea,
Mayor O'Connor-ineligible.

ITEM-200: (R-90-817) ADOPTED AS RESOLUTION R-275166

(Continued from the meetings of December 11, 1989, Item 105, January 16, 1990, Item 200 and January 23, 1990, Item S403; last continued at the City Manager's request, for further review.)

Authorizing the execution of a deed conveying to Whispering Palms Community Service District an easement for sewer pipelines, mains, manholes, sewer lateral pipelines and right-of-way, in a portion of Lot 2 of Fairbanks Country Club Unit No. 1, Map-10730.

(Fairbanks Ranch Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Whispering Palms Community Service District is now converting its area from septic tank systems to municipal sewer hook-up and requires a sewer easement over City-owned land in order to connect to the Metropolitan Sewer System. The portion of the Fairbanks Ranch Country Club sought is an easement 20 feet wide and 247.54 feet long containing 4,950 square feet. This portion of the Country Club is actually roadside setback, moderately

sloping, and is considered excess property which doesn't contribute to its highest and best use of the adjacent property as developed. The Fairbanks Ranch Golf Course, which is the lessee of this property, is very much in favor of this action as it will alleviate a leaching problem that now effects the golf course operations and maintenance.

FILE LOCATION: DEED F-5122 DEEDFY90-1

COUNCIL ACTION: (Tape location: A092-097.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (O-90-140) INTRODUCED AND ADOPTED AS ORDINANCE
O-17428 (New Series)

(Continued from the meeting of February 6, 1990, Item 332, at the City Manager's request, for further review.)

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 1 (021) by adding one Council Representative II position; exempting the Council Representative II position from Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$20,000 from the Unallocated Reserve (605) to Council District 1 (021) to fund the position.

Aud. Cert. 9000621.

NOTE: See Item S501 on the supplemental docket of Tuesday, February 13, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-202: (O-90-141) INTRODUCED AND ADOPTED AS ORDINANCE
O-17429 (New Series)

(Continued from the meeting of February 6, 1990, Item S500, at the City Manager's request, for further review.)

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, by amending the personnel authorization of Council District 3 by adding one Council Representative II position; exempting the position from the Classified Service and setting a salary rate for the new position.

NOTE: See Item S502 on the supplemental docket of Tuesday, February 13, 1990, for the first public hearing. Today's action is the second public hearing for the introduction

and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-203: (O-90-139) INTRODUCED AND ADOPTED AS ORDINANCE
O-17430 (New Series)

(Continued from the meeting of February 6, 1990, Item 333,
at the City Manager's request, for further review.)

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 4 (024) by adding one Council Representative II position; exempting said Council Representative II position from the Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$16,000 from the Unallocated Reserve (605) to Council District 4 (024) to fund the position.

Aud. Cert. 9000633.

NOTE: See Item S504 on the docket of Tuesday, February 13, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-204: (O-90-123) INTRODUCED AND ADOPTED AS ORDINANCE
O-17431 (New Series)

(Continued from the meeting of February 6, 1990, Item 334,
at the City Manager's request, for further review.)
Introduction and adoption of an Ordinance amending
Ordinance O-17326 (New Series), as amended, entitled "An
Ordinance Adopting the Annual Budget for the Fiscal Year
1989-90 and Appropriating the Necessary Money to Operate
the City of San Diego for said Fiscal Year" by amending
Document No. OO-17326-1, as amended and adopted therein, by
amending the personnel authorization of Council District 5
(025) by adding thereto two (2.00) Council Representative
II positions; exempting the Council Representative
positions from the Classified Service; establishing a
salary rate.

NOTE: See Item S503 on the docket of Tuesday, February 13,
1990, for the first public hearing. Today's action is the
second public hearing for the introduction and adoption of
the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND
ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-205: (O-90-99) INTRODUCED AND ADOPTED AS ORDINANCE
O-17432 (New Series)

(Continued from the meeting of February 6, 1990, Item 335,
at the City Manager's request, for further review.)
Introduction and adoption of an Ordinance amending
Ordinance No. O-17326 (New Series), as amended, entitled
"An Ordinance Adopting the Annual Budget for the Fiscal
Year 1989-90 and Appropriating the Necessary Money to
Operate the City of San Diego for said Fiscal Year" by
amending Document No. OO-17326-1, as amended and adopted
therein, by amending the personnel authorization of Council
District 6 (026) by adding one Council Representative II
position; exempting the Council Representative II position

from the Classified Service; establishing a salary rate;
and authorizing the Auditor and Comptroller to transfer the
sum of \$25,000 from the Unallocated Reserve (605) to
Council District 6 (026) to fund the position.

Aud. Cert. 9000477 Rev.

NOTE: See Item S505 on the supplemental docket of Tuesday,
February 13, 1990 for the first public hearing. Today's
action is the second public hearing for the introduction
and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND
ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-206: (O-90-136) INTRODUCED AND ADOPTED AS ORDINANCE
O-17433 (New Series)

(Continued from the meeting of February 6, 1990, Item 336,
at the City Manager's request, for further review.)

Introduction and adoption of an Ordinance amending
Ordinance No. O-17326 (New Series), as amended, entitled
"An Ordinance Adopting the Annual Budget for the Fiscal
Year 1989-90 and Appropriating the Necessary Money to
Operate the City of San Diego for said Fiscal Year" by
amending Document No. OO-17326-1, as amended and adopted
therein, by amending the personnel authorization of Council
District 8 (028) by adding one Council Representative II
position; exempting the Council Representative II position
from the Classified Service; establishing a salary rate;
and authorizing the Auditor and Comptroller to transfer the
sum of \$22,500 from the Unallocated Reserve (605) to
Council District 8 (028) to fund the position.

Aud. Cert. 9000622.

NOTE: See Item S506 on the supplemental docket of Tuesday,
February 13, 1990 for the first public hearing. Today's
action is the second public hearing for the introduction
and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-103.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS 201, 202, 203, 204, 205, AND 206. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-330: CONTINUED TO MARCH 12, 1990

(Continued from the meetings of November 13, 1989, Item 201, December 4, 1989, Item 200 and January 16, 1990, Item 335; last continued at Assistant City Manager McGrory's request, due to the City still having discussions with the State and Federal governments.)

Consideration of a Coastal Development Permit to allow the demolition of six buildings totaling 39,602 square feet, and varying in height from one story to three stories, and known as the Savage Tire Factory/Aztec Brewery buildings.

The subject property totals 4.2 acres, and is located on the City blocks bounded by Sampson Street, Main Street, Schley Street and Harbor Drive and is described as Lots 25-48, Blocks 78 and 79, Map-379, San Diego Land and Town Company's Addition. The Area "D" zoned site is within the Barrio Logan Planned District and the Barrio Logan Community Plan area.

(CDP-89-0906. District-8.)

Subitem-A: (R-90-740)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-88-0741 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-90-744)

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM-CDP-89-0906

COUNCIL ACTION: (Tape location: B005-024.)

MOTION BY HENDERSON TO CONTINUE THE ITEM TO MARCH 12, 1990, AS

REQUESTED BY THE CITY MANAGER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO MARCH 12, 1990

(Continued from the meetings of November 13, 1989, Item 202, December 4, 1989, Item 201 and January 16, 1990, Item 336; last continued at Assistant City Manager McGrory's request, due to the City still having discussions with the State and Federal Government.)

Three actions relative to the acceptance and subsequent disposition of Aztec Brewery Murals/Artwork Ensemble: (See City Manager Report CMR-89-513. Barrio Logan Community Area. District-8.)

Subitem-A: (R-90-741)

Authorizing the City Manager to execute an agreement with Northern Automotive Corporation to accept the donation from Northern Automotive Corporation of the Aztec Brewery murals/artwork ensemble; thanking Northern Automotive Corporation for donating the murals/artwork ensemble to the City and acknowledging Northern Automotive Corporation's civic generosity in making the murals/artwork ensemble available for the viewing and enjoyment of the public.

Subitem-B: (R-90-742)

Authorizing the City Manager to execute a Loan for Use Agreement with Luis E. Garcia, Inc. for the purpose of temporarily placing the murals/artwork ensemble in Chuey's Restaurant for public display and storage until a permanent site can be arranged; thanking Luis E. Garcia, Inc. for making a location available to the public for the display and storage of the murals/artwork ensemble until a permanent location can be arranged.

Subitem-C: (R-90-743)

Declaring the City Council's intent to provide a permanent site for the murals/artwork ensemble, according to the following criteria:

1. That, assuming that the Mercado del Barrio project is implemented under the California Community Redevelopment Law, and that the project includes a Cultural Center, then the Cultural Center shall receive the murals/artwork

ensemble, and shall incorporate them in an area which replicates the interior of the Aztec Brewery Rathskeller;

2. That, in the event that the Mercado del Barrio project cannot be implemented, the City Council shall take all necessary steps to see that the murals/artwork ensemble will be placed in a site which is accessible to the public, which will assure its reservation, and which will be located in the Barrio Logan community in a facility which replicates the interior of the Aztec Brewery Rathskeller as closely as possible. In such event, the City shall consult with representatives of the Barrio Logan community to establish a site that best fulfills the interests of that community;

3. That, regardless of where and how sited, the murals/artwork ensemble shall remain intact as an ensemble and, when permanently sited, shall be available for public viewing at regular and reasonable hours, with an admission fee that is no greater than necessary to cover reasonable administrative costs shall be prominently placed at the site a plaque identifying the murals/artwork ensemble as historic, identifying the murals of Jose Moya del Pino, and describing the artistic, cultural, and historic significance of the murals/artwork ensemble and the Aztec Brewery buildings; and

4. That, when permanently sited, the City shall take particular care to assure the preservation of the murals/artwork ensemble in reference to ventilation, lighting, heating, and any other relevant factors.

FILE LOCATION: SUBITEM-A: GENL - HISTORICAL SITE BOARD
APPEALS & DECISIONS, SAVAGE TIRE
FACTORY/AZTEC BREWERY; SUBITEMS-B&C: --

COUNCIL ACTION: (Tape location: B005-024.)

MOTION BY HENDERSON TO CONTINUE THE ITEM TO MARCH 12, 1990, AS REQUESTED BY THE CITY MANAGER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

(Continued from the meeting of January 23, 1990, Item 337, at Mike Stepner's request, to allow SANDAG to review the curb cut under SB 255.)

Request for approval of Centre City Overlay Zone Permit
(a variance) to the Centre City Overlay Zone for a curb cut

on Fifth Avenue to permit on-site parking where curb cuts
are not permitted and for a Resource Protection Overlay
Permit because the building (Walker Scott Department Store)
is a designated historic site. The subject property is
located at 1014 Fifth Avenue and is further described as
Lots G and H, Block 36, Horton's Addition, Map DB13, in
Central Business Zoned (CBD) site, in the Centre City
Community Plan area.
(Case-89-0869. District-8.)

Subitem-A: (R-90-992) ADOPTED AS RESOLUTION R-275167

Adoption of a Resolution certifying that the information
contained in Environmental Negative Declaration END-89-0869
has been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and
that said declaration has been reviewed and considered by
the Council.

Subitem-B: (R-90-991) ADOPTED AS RESOLUTION R-275168

Adoption of a Resolution granting the request for permit
for restoration of the former Walker Scott Department Store
building including a request for a curb cut on Fifth
Avenue.

FILE LOCATION: PERM - CENTRE CITY PLANNED DISTRICT PERMIT
CASE-89-0869

COUNCIL ACTION: (Tape location: B025-035.)

Hearing began at 2:04 p.m. and halted at 2:05 p.m.

MOTION BY FILNER TO ADOPT. Second by Wolfsheimer. Passed by
the following vote: Wolfsheimer-yea, Roberts-not present,
Hartley-yea, Pratt-not present, Bernhardt-not present,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Feb-20-1990

ITEM-S400: WELCOMED

Welcoming a group of 15 students from Torrey Pines
Elementary School, accompanied by their Principal, Mr.
Dennis Doyle. This group will arrive at approximately

2:00 p.m.

(District-1.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B037-055.)

ITEM-S401:

Two actions relative to the Metropolitan Sewerage System:
(See City Manager Report CMR-90-43 and Committee Consultant
Analysis PSS-90-2.)

Subitem-A: REFERRED TO THE PUBLIC SERVICES AND SAFETY
COMMITTEE

A report from the City Manager on the Water Conservation
Plan.

Subitem-B: (R-90-1190) ADOPTED AS AMENDED AS RESOLUTION
R-275169

Authorizing the execution of Amendment No. 4 to the
agreement of March 22, 1988 with James M. Montgomery, Inc.
for professional engineering services in connection with
program management and predesign work for the Metropolitan
Sewerage System; authorizing the City Auditor and
Comptroller to transfer an amount not to exceed \$3,800,000
within the Sewer Revenue Fund No. 41506 from CIP-46-154,
South Bay Land Outfall, to CIP-46-147.0, Modified
Wastewater Treatment Facilities Plan; authorizing the
expenditure of an amount not to exceed \$11,778,000 from the
Sewer Revenue Fund No. 41506, CIP-46-147.0, Modified
Wastewater Treatment Facilities Plan, for the purpose of
providing funds for the above amendment; authorizing the
expenditure of an amount not to exceed \$500,000 from the
Sewer Revenue Fund No. 41506, CIP-46-147.0, Modified
Wastewater Treatment Facilities Plan, for the purpose of
obtaining facilities and equipment to support the above
agreement.

COMMITTEE ACTION: Reviewed by PSS on 1/31/90. Recommendation
to approve the City Manager's recommendation. Districts 2, 4,
and 7 voted yea. Districts 3 and 5 voted nay.
Aud. Cert. 9000676.
WU-CWP-90-100.

FILE LOCATION: SUBITEM-A: --; SUBITEM-B: MEET CONT
FY90-1

COUNCIL ACTION: (Tape location: B399-E521.)

MOTION BY McCARTY TO REFER SUBITEM-A TO THE PUBLIC SERVICES AND SAFETY COMMITTEE AND TO COME BACK TO COUNCIL WITH A PLAN.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

MOTION BY BERNHARDT TO ADOPT SUBITEM-B CONDITIONED UPON THE PUBLIC PARTICIPATION ELEMENT (SUBCONTRACTOR, KATZ & ASSOCIATES) BE EXPLAINED AND AUTHORIZED AT THE PUBLIC SERVICES AND SAFETY COMMITTEE. Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-nay, Pratt-yea,
Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-nay, Mayor
O'Connor-yea.

ITEM-S402: (R-90-1183) RETURNED TO CITY MANAGER

(Continued from the meeting of February 12, 1990, Item 114,
at Council Member Bernhardt's request, for further review.)
Authorizing the execution of a 25 year lease agreement with
John A. and Amelia Baldan, dba Casa Machado Restaurant No.
3, to operate a restaurant and cocktail lounge at
Montgomery Field, on a percentage lease with a beginning
minimum annual rent of \$46,800.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: John and Amelia Baldan
have operated the Casa Machado Restaurant on the second floor of
the Administration Terminal Building on Montgomery Field since
1976. The existing lease will expire on April 13, 1991. The
current yearly rent is \$33,089 or percentages of gross income,
whichever is greater. The Baldans have paid \$258,266 in
percentage rents over the last five years (an average of
\$51,650/year). The Baldans have proposed a 25-year lease
renewal at this time to permit the installation of a 1,380
square foot roof over the patio at a cost of approximately
\$75,000 and to allow adequate time to fully amortize design and
construction costs. This would increase the number of days the
patio is available for use thereby increasing revenue. Since
this is a part of an existing City-owned building and the roof
will alleviate a rain leaking problem in the first floor

conference room, the Airports Enterprise Fund will contribute

\$5,000 for engineering design through a rental offset. All terms and conditions of the new lease have been updated to the current market. Rent has been increased to \$46,800 per year initially or the following percentages of gross income, whichever is greater: 6-1/2 percent food and non-alcoholic beverages; 8-1/2 percent alcoholic beverages; 11 percent all other sources; and 25 percent of commissions from coin-operated vending machines. The minimum yearly rent will be adjusted after 5 years and every 2-1/2 years thereafter based on 80 percent of the annual average of rents paid over the preceeding two years or on the consumer price index, whichever is greater. No downward adjustments will be permitted.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B005-024.)

MOTION BY HENDERSON TO RETURN THE ITEM TO THE CITY MANAGER AS REQUESTED BY THE CITY MANAGER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Feb-20-1990

ITEM-S403: (R-90-1336) ADOPTED AS RESOLUTION R-275170

Consideration of the following nominees for appointment by the Council to fill two vacancies on the San Diego Convention Center Corporation Board of Directors:
(See memorandum from Mayor O'Connor dated February 15, 1990 with resumes attached and memorandum from Council Member Bob Filner dated January 17, 1990.)

NAME	NOMINATED BY
Dene Oliver	Council Member Roberts
Clifton Blevins	Mayor O'Connor
Maria Neves-Perman	Council Member Filner
Jef Eatchel	Council Member Filner
Joe Francis	Council Member Pratt

Today's action is adoption of a Resolution making the appointments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B056-189.)

Council Member Filner withdrew the nomination of Jef Eatchel.

The first ballot was taken, and Clerk Abdelnour announced the tally for Round 1: Blevins-4, Francis-6, Neves-Perman-4, Oliver-4.

The second ballot was taken, and Clerk Abdelnour announced the tally for Round 2: Blevins-1, Neves-Perman-4, Oliver-4.

The third ballot was taken, and Clerk Abdelnour announced the tally for Round 3: Blevins-0, Neves-Perman-4, Oliver-5.

MOTION BY COMMON CONSENT TO CONFIRM THE APPOINTMENT OF JOE FRANCIS, AND DENE OLIVER TO THE SAN DIEGO CONVENTION CENTER CORPORATION BOARD. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-90-1335 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-275171

19900220

Consideration of the following nominees for appointment by the Council to fill three vacancies on the San Diego Stadium Authority Governing Board:
(See memorandum from Mayor O'Connor dated February 15, 1990 with resumes attached.)

NAME	NOMINATED BY
Daniel Bridge	Council Member Roberts
Simon Coleman	Council Member Henderson
Tom Vanderveld Jr.	Council Member Bernhardt
Don McGrath	Council Member Roberts
Maida Torres-Stanovik	Council Member Filner

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B195-307.)

Council Member Wolfsheimer nominated Cesar D. Candari to be considered as an appointee.

The first ballot was taken, and Clerk Abdelnour announced the

tally for Round 1: Bridge-2, Colman-4, McGrath-4,
Torres-Stanovik-5, Vanderveld-7, Candari-5.

MOTION BY COMMON CONSENT TO CONFIRM THE APPOINTMENT OF MAIDA TORRES-STANOVIK, TOM VANDERVELD, JR., AND CESAR D. CANDARI TO THE SAN DIEGO STADIUM AUTHORITY GOVERNING BOARD. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-90-1345) ADOPTED AS RESOLUTION R-275172

Confirming the appointment by the Mayor of Rev. Clyde E. Gaines to serve as a member of the Civil Service Commission for a term ending January 9, 1995, to replace Dave Lewis, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B313-326.)

MOTION BY HENDERSON TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (O-90-146) INTRODUCED, TO BE ADOPTED ON MARCH 12, 1990

Introduction of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Document No. 00-17326-1, as amended and adopted therein; amending the personnel authorization of the General Services Department 532 by adding 0.35 Associate Administrative Analyst, 0.35 Clerical Assistant II, 0.35 Utility

Supervisor, 0.50 Safety Representative II and 0.50 Utility Worker II; increasing the General Fund 100 Revenue estimates by \$13,000 by way of transfers from other funds; directing the Auditor and Comptroller to allocate said \$13,000 to the General Services Department 532 for asbestos removal and containment; amending the Capital Outlay Sales Tax Fund 30245 Budget by decreasing the allocation of Sales Tax by \$201,550 and reallocating said \$201,550 to the

General Fund 100, Unallocated Reserve 605; further amending the Transient Occupancy Tax Fund 10224 Budget by reducing the funding from Balboa Park improvements by \$3,350,000 and reallocating said \$3,350,000 to the General Fund 100, Unallocated Reserve 605; and directing the Auditor and Comptroller to increase the General Fund 100 Budget by the sum of \$3,551,550 and to expend the sum of \$3,551,550 from the Unallocated Reserve 605.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B329-398.)

Vote to approve remodeling, asbestos removal, and staff increases. Yeas: 1,3,4,5,6,7,8. Nays: 2,M.

Vote to approve litigation expenditures and the transfer to City Attorney for SDG&E merger litigation expenses. Yeas: 1,2,4,5,6,7,8,M. Nay: 3.

MOTION BY PRATT TO INTRODUCE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:43 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E521-522).